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Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1864 (2009), by which the Council, following the request of the Government of Nepal and the recommendation of the Secretary-General, renewed the mandate of the United Nations Mission in Nepal (UNMIN) until 23 July 2009. UNMIN was established as a special political mission with a mandate which included the monitoring of the management of arms and armed personnel of the Communist Party of Nepal (Maoist) (CPN-M) and the Nepal Army. Following the merger of CPN-M with the Communist Party of Nepal-Unity Centre (Masal) on 13 January 2009, the party was renamed the Unified Communist Party of Nepal-Maoist (UCPN-M).

2. The report reviews the progress of the peace process and the implementation of the mandate of UNMIN since my report to the Council of 24 April 2009 (S/2009/221).

II. Progress of the peace process

3. The modest progress witnessed in some aspects of the peace process during the first quarter of 2009 has stalled against a backdrop of mistrust and a further deterioration of relations among key stakeholders, notably between UCPN-M and the other major parties and between UCPN-M and the Nepal Army. This crisis of confidence and absence of political consensus led to the resignation on 4 May of Prime Minister Pushpa Kamal Dahal "Prachanda" following the action taken by President Ram Baran Yadav to reverse the Cabinet decision of the previous day to dismiss the Chief of Army Staff, General Rookmangud Katawal. On 23 May, a senior leader of the Communist Party of Nepal-Unified Marxist-Leninist (UML), Madhav Kumar Nepal, was elected Prime Minister; he has since formed a new coalition Government with the support of 21 other political parties but without the participation of the Maoists. Meanwhile, the Constituent Assembly has continued its work of drafting a constitution, although it is in danger of falling seriously behind its schedule of promulgating a new constitution by May 2010. The proceedings of the same body functioning as the Legislature-Parliament have repeatedly been obstructed by the protests of political parties. The Special Committee set up to

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supervise, integrate and rehabilitate Maoist army personnel remained inactive, and its Technical Committee made only limited progress. Furthermore, no progress was made with regard to the discharge of disqualified Maoist army personnel.

4. On 3 May, after a prolonged disagreement over a number of critical issues, the UCPN-M-led Government dismissed the Chief of Army Staff, accusing him of insubordination, and appointed the second-in-command, Lieutenant General Kul Bahadur Khadka, Acting Army Chief. The decision followed a request on 20 April by Cabinet to General Katawal for clarification regarding three recent instances of alleged non-compliance by the Nepal Army with Government directives, including that concerning the recruitment of some 3,010 new personnel into the Nepal Army. General Katawal provided a clarification of the issues on the following day. The Cabinet meeting at which the decision to dismiss General Katawal was made was attended only by ministers from UCPN-M and Madheshi People's Rights Forum (MPRF), with the latter registering a note of dissent. Subsequently, UML withdrew from the governing coalition and, together with the Nepali Congress (NC) and 16 other political parties, requested President Ram Baran Yadav to intervene and reverse the dismissal of the Army Chief. The parties claimed that the dismissal had not been made by a consensus among the parties and thus violated the Comprehensive Peace Agreement and Interim Constitution. The President wrote to General Katawal the same day, directing him to continue in his position. Amid this tense stand-off among the Government, the President and the Nepal Army, Prime Minister Prachanda announced his resignation on 4 May. He stated that the Cabinet decision had been taken after the Nepal Army had repeatedly disobeyed Government policies and orders, that the action taken by President Yadav had been unconstitutional, and that steps should be taken to correct it and to ensure "civilian supremacy" over the Army. In addition, two public interest litigation petitions pending in the Supreme Court allege that the Government's dismissal of the Chief of Army Staff, as well as its rescinding by the President, were unconstitutional.

5. On 5 May, further controversy erupted when local television and radio stations began to broadcast a leaked videotape of a speech that Prachanda had made on 2 January 2008 to Maoist army commanders and personnel at the Maoist army cantonment site in Chitwan, during which he said that the party had inflated the number of its army personnel presented for registration and verification. He also said that some money allocated for the cantonments would be used to "prepare for a revolt". The statement drew immediate public condemnation and raised serious doubts about the Maoists' commitment to the peace process. It also prompted questions about the eligibility of the 19,602 combatants verified by UNMIN, and of the Mission's role in the verification process which had taken place between June and December 2007. In a press conference on 6 May, Prachanda said that his reference in the videotape had been to the central command of the Maoist army which comprised between 7,000 and 8,000 personnel. In addition, he said the Maoist forces had included a larger regional command, as well as 100,000 local militia. He said that his statement should be understood in the political context at the time, when the progress of the peace process had appeared uncertain. Despite this explanation, serious concerns remained about the content and tone of the statement among national and international stakeholders.

6. In a 19 May press statement providing factual information about the registration and verification exercise, UNMIN clarified that it had carried out the verification in accordance with the two criteria determined by the parties. It had

been asked to identify: (a) personnel who had joined the Maoist army after the date of the ceasefire (25 May 2006); and, (b) those who were below the age of 18 years on that date. The statement also indicated that, in addition to the regular briefings provided by the Chief Arms Monitor to the Joint Monitoring Coordination Committee which is chaired by UNMIN and comprises senior representatives of the Nepal Army and Maoist army, my Special Representative had briefed senior political leaders on the exercise on a regular basis.

7. On 23 May, Madhav Kumar Nepal was elected Prime Minister with the support of UML, NC, MPRF, the Tarai Madesh Democratic Party (TMDP) and the Sadbhawana Party (SP), along with 17 smaller parties represented in the Constituent Assembly. He won 354 votes in the 601-member Assembly. UCPN-M, which has 238 seats, boycotted the election. The formation of the new government required several weeks of intensive negotiation. By 1 July, 30 ministers from six of the coalition parties had been sworn in. MPRF split into two groups as a result of differences over whether to join the Government, and both factions have applied to the Election Commission for official recognition as MPRF.

8. The coalition partners have agreed on a common minimum programme, as well as a code of conduct for the Council of Ministers. The Common Minimum Programme commits the Government to implementing the Comprehensive Peace Agreement of November 2006, including the establishment of a national peace and rehabilitation commission which would monitor compliance and implementation. The Programme also states that the integration and rehabilitation of Maoist army personnel shall be concluded before completion of the constitution-writing process.

9. The new Government has reversed several decisions made by the UCPN-M-led Government, including its dismissal of the Chief of Army Staff and the appointment of his replacement. The Government has also extended by three years the service of eight Nepal Army brigadier generals whose terms the Ministry of Defence, under the UCPN-M-led Government, had refused to extend when they expired in mid-March. The generals had contested their non-extension in the Supreme Court which, on 24 March, issued a stay order pending its final verdict. The actions of the new Government have been criticized by UCPN-M and led to escalated protests by the party, further straining its relations with the UML-led Government. Several UML Constituent Assembly members also expressed concern that President Yadav's action would set a controversial precedent for presidential use of executive power.

10. The work of the Legislature-Parliament, the current session of which began on 29 March, has been severely hampered by successive obstructions of its proceedings by UML, NC and UCPN-M, which have separately held protests on the floor of the House or boycotted the proceedings. UCPN-M has obstructed parliamentary proceedings since 5 May, seeking a debate or other clarification of the President's action in regard to the Army Chief. The protest was suspended on 23 May for the election of Prime Minister Madhav Kumar Nepal, and again on 23 June when several political leaders made statements regarding the current political situation. On 6 July, following an agreement among UML, NC and UCPN-M on how to address the Maoists' demands, UCPN-M lifted its obstruction of the legislative process and for the first time in months the Legislature-Parliament conducted business in a normal fashion. The agreement also provides for continued discussions with a view to forging a consensus on the President's action within one month.

11. The obstruction of the Legislature-Parliament delayed action on a range of issues, including the mandatory debate on the budget for the remainder of 2009/2010, which had been scheduled to commence early in July, and discussion of the numerous bills due for consideration during the current session. The Ordinance on Maintaining Inclusiveness in the Public Sector, which provided for the inclusion of the traditionally marginalized groups in government services, including the police and army, lapsed when the deadline for parliamentary approval expired. The Ordinance had sparked controversy when the Tharus and several other traditionally marginalized groups in the Tarai objected to being grouped together with the Madheshis in the legislation. A bill addressing the inclusion of traditionally marginalized groups in the public sector has been registered in the Legislature-Parliament.

12. Since early June, UCPN-M and affiliated organizations have conducted a programme of countrywide protests against the reinstatement of the Army Chief, calling for civilian supremacy over the Nepal Army. The protests have disrupted daily life and have led to clashes between Maoist and other party cadres. On 21 June, the Maoists escalated the protests, blockading government buildings, and clashes between UCPN-M cadres and the security forces were reported in Kathmandu and several other locations.

13. On 29 June, following the first UCPN-M politburo meeting since the party went into opposition, Maoist Chairman Prachanda announced that the party would make preparations to lead a joint national government that he believed would be formed in the coming months. The party would also focus on the areas of peace, drafting of the constitution, national dignity and civilian supremacy.

14. All key political stakeholders recognize the need for the political parties to work together and manage differences in order to ensure the steady progress of the peace process. In addition to the need for a unity Government, of which UCPN-M would be part, other ideas, such as the conclusion of a new understanding among the parties and the establishment of a high-level political mechanism of the parties to guide the peace process and ensure its completion, have been floated. Concrete steps towards their realization have however yet to be taken.

A. Drafting of the Constitution

15. The Constituent Assembly made further progress on its central task of drafting the new constitution, albeit with delays due in part to the uncertain political situation. In a positive step, all of the political parties have pledged not to disrupt the work of drafting the constitution. The 10 thematic committees continued to prepare concept papers, taking into account information obtained through the public opinion survey that they conducted in February, as well as suggestions submitted to the Constituent Assembly secretariat. The deadline for submission of the concept papers has been pushed back from late May to early August. By 1 July, the Assembly had debated the concept papers of three of the thematic committees. Based on the recommendations to be made by the Assembly following the debates, the Constitutional Committee is to develop a first draft of the new constitution for discussion during a dedicated month-long plenary session, currently scheduled to start in mid-September. Following revisions to the draft by the Constitutional Committee, there will be a three-month period for public consultation.

16. Significant challenges remain in the drafting of the constitution, however. There are fundamental differences among the political parties on major issues, including the new federal structure, the system of government and the allocation of resources. The fluid political climate is also having an impact on the pace of work. The Constitutional Committee has not met since 27 May and the Chairmanship became vacant after former Chairperson, Madhav Kumar Nepal, was elected Prime Minister. Both NC and UCPN-M have expressed interest in the position but no decision has yet been taken. An extended leadership vacuum could further affect the Assembly's ability to meet the May 2010 deadline for the promulgation of the new constitution.

B. Integration and rehabilitation of Maoist army personnel

17. The Special Committee set up to supervise, integrate and rehabilitate Maoist army personnel, which held its first meeting on 16 January, has become dormant because of the political crisis of recent months. The Committee, which comprises two members each from MPRF, NC, UCPN-M and UML, had been chaired by Maoist Chairman Prachanda until his resignation as Prime Minister on 4 May. The absence of an agreement on who should now chair the Committee has contributed to the stagnation of the Committee's work.

18. The work of the Technical Committee of the Special Committee, which was established on 27 March, has also been affected by the political uncertainty. Under the terms of reference prepared by the Special Committee, it is tasked with developing guidelines for bringing the Maoist army under the supervision of the Special Committee. The members of the Technical Committee, who have visited three Maoist army cantonment sites, have briefed the new Minister for Peace and Reconstruction, Rakam Chemjong, and met with the Prime Minister who has directed it to proceed with its work and requested the early submission of a plan for integration. The Technical Committee has held several informal meetings to consult with stakeholders in the peace process and to review international experiences. It has also worked on formulating possible integration models, but these have yet to be translated into a plan with recommendations for consideration by the Special Committee.

C. Discharge of disqualified Maoist army personnel

19. Limited substantive progress was made during the reporting period on the discharge and rehabilitation of the 4,008 Maoist army personnel disqualified during the verification process. It is hoped that there will be forward movement following the lifting of the Maoist obstruction of the Legislature-Parliament and Maoist Chairman Prachanda's statement to that body on 6 July that the UCPN-M would immediately move ahead with the discharge. The Ministry of Peace and Reconstruction should review and build on the work carried out during the extensive planning meetings held in March and early April among the Ministry, UNMIN, the United Nations Resident and Humanitarian Coordinator, the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF) to discuss support packages. These packages, developed by the United Nations agencies, could be made available at fairly short notice. With the support of UNICEF and UNDP, the Ministry produced a draft survey to assess the aspirations

of those to be discharged, which is envisaged as an important early step in the discharge process. The discharge of the disqualified is long overdue. The United Nations and its partners remain prepared to work closely and more intensively with the Government in implementing a suitable programme that would effectively meet the needs of the disqualified personnel.

20. It is encouraging that Prime Minister Nepal has said that his Government would give priority to the discharge of the disqualified Maoist army personnel. Minister for Peace and Reconstruction Chemjong has indicated that he intends to review the Ministry's draft plan for the process and will consider establishing a working group to refine and implement it. It is important that planning for the discharge continues at a brisk pace in the coming weeks.

D. Other challenges affecting the peace process

21. The Ministry of Peace and Reconstruction deployed secretaries to the local peace committees which are to support peace process implementation and conflict resolution at the local level, in all 75 districts. The Ministry has reported that, by 1 July, committees comprising representatives of political parties and civil society had been set up in 55 districts. Meanwhile, the tenure of the parliamentary committee established to monitor the November 2008 agreement between the Maoist-led Government and NC was extended on 19 April for three months. The committee, which among other issues is tasked with the return of seized property and dismantling of the "paramilitary" structure of the UCPN-M-affiliated Young Communist League, has made only limited progress, mainly on information-gathering.

22. Law and order remain a matter of serious concern, especially in the Tarai, where many armed groups are operating in a climate of general impunity. There were increased reports of tensions and violent clashes between the Young Communist League and UML-affiliated Youth Force cadres and the supporters of other parties in several districts, particularly during the UCPN-M protests.

23. A number of traditionally marginalized groups, several of which are Maoist-affiliated, also imposed general shutdowns across the country to press for their respective agendas. Militant organizations associated with several groups, including the Limbu, Tamang and Tharu, have been active and have reportedly increased their recruitment of young people.

24. There were several serious security incidents including the detonation of an improvised explosive device in a Catholic church in Kathmandu on 23 May, during which incident three people died and over one dozen were injured. A woman associated with a Hindu fundamentalist group was arrested by the police and has reportedly confessed to the crime.

III. Status of the United Nations Mission in Nepal

25. As at 1 June, 253 of the authorized 275 personnel were assigned to the Mission. Of 193 civilian personnel, 30 per cent are women, including 44 per cent of the 52 substantive staff and 24 per cent of the 141 administrative staff. As at 26 June, 3 of the 60 arms monitors serving with the Mission were women, an area in

which gender representation is dependent on the nomination of candidates by Member States. The efforts of UNMIN to recruit national staff from traditionally marginalized communities have yielded positive results: 48 per cent of national staff (60 out the 124) are from traditionally marginalized groups, and 31 per cent (19 of 60) are women.

IV. Activities of the United Nations Mission in Nepal

A. Arms monitoring

26. The Arms Monitoring Office continued to monitor the compliance of the Nepal Army and the Maoist army with the Agreement on the Monitoring of the Management of Arms and Armies. Arms monitors continue to maintain round-the-clock surveillance of the Nepal Army weapons storage site and the weapons storage areas at the seven main cantonment sites of the Maoist army. From the main sites, they visit the satellite cantonment sites. Other operations are conducted by mobile teams from the headquarters of the Arms Monitoring Office in Kathmandu. The Maoist army personnel remain cantoned at 28 locations, despite UNMIN advice that a more rational arrangement be made.

27. The Joint Monitoring Coordination Committee continued to meet under the chairmanship of the Chief Arms Monitor, and senior officers representing the Nepal Army and the Maoist army continued to cooperate closely as regards decision-making, the exchange of information, confidence-building measures and the resolution of disputes. On 28 May, the Committee, which was first convened in December 2006, held its 100th meeting. During the reporting period, the Committee considered two alleged violations of the Agreement on the Monitoring of the Management of Arms and Armies, one of which was substantiated as a violation while the other was not substantiated.

28. At the request of the Ministry of Peace and Reconstruction, arms monitors witnessed salary payments for May and June to eligible Maoist army personnel at the cantonment sites.

B. Child protection

29. The Child Protection Unit continued to support the work of the Mission in planning for the discharge and rehabilitation of the 2,973 Maoist army personnel who were disqualified as minors but who remain at the cantonment sites. The Unit provided substantive input to the task force on the discharge and rehabilitation of the disqualified Maoist army personnel, chaired by UNMIN. The Unit is also working closely with UNICEF in planning rehabilitation packages for the disqualified. It also carried out briefings and produced discussion papers on child protection issues related to the proposed discharge.

30. The ongoing political violence and the use of children by political parties during strikes and demonstrations, including as enforcers, are issues of concern. Special measures are necessary to ensure effective monitoring, reporting and protection of children's rights in relation to their participation in political activities.

31. In June, UNICEF, the UNMIN Child Protection Unit and a national human rights organization conducted a mission to eight districts in the eastern and central western Tarai and hills. The mission was undertaken to assess challenges to the implementation of the monitoring and reporting mechanism established in accordance with Security Council resolution 1612 (2005) and the trends in violations of the rights of children. UNMIN, UNICEF and the Office of the United Nations High Commissioner for Human Rights (OHCHR) are working together to develop a strategy and action plan to strengthen the operations of the task force, taking into account the recommendations of the field mission as well as suggestions from the Office of the Special Representative of the Secretary-General for Children and Armed Conflict.

C. Political affairs

32. The Political Affairs Office continued to monitor and analyse the political situation in the country, including by means of field visits to the regions, and to assist the Mission leadership in supporting the peace process. Political affairs officers met on a regular basis with stakeholders, including government officials, representatives of political parties and civil society organizations, as well as regional and international actors. The activities of small militant groups, both armed and unarmed, and their potential to disrupt the peace process were monitored, as were the dynamics among the political parties and the evolving role of traditionally marginalized groups in the peace process. The Office continued to assess the status of implementation of the Comprehensive Peace Agreement, as well as other relevant agreements, and monitored proceedings of the Constituent Assembly and the work of its committees in preparing the new constitution. The downsizing of UNMIN has had an impact on the Mission's analytical capacity, particularly its regional monitoring, after the five regional offices were closed.

D. Public information

33. The Public Information and Translation Unit supported my Representative in interactions with the media. My Representative gave interviews on peace process-related issues and the role of UNMIN to various international and national media during the reporting period. These included responses to criticism and media enquiries regarding the role of UNMIN in the registration and verification of Maoist army personnel following the airing of the controversial videotape of Maoist Chairman Prachanda, discussed above. The Unit has monitored national and international media, kept abreast of breaking news and also translated significant documents.

E. Safety and security

34. The security situation was affected by the frequent strikes and protests of various groups across the country. Programme delivery by the United Nations and partners was disrupted due to the protests, particularly in the Tarai. A national monitoring group reported in late June that there had been 500 shutdowns in the previous six months. During the reporting period, there were no direct threats made

to United Nations staff; however, continuing protests are likely to affect the movement of United Nations personnel and the implementation of assistance programmes in the coming weeks. The United Nations country team is developing a coordinated approach and guidelines aimed at ensuring freedom of movement for United Nations vehicles at all times.

35. The UNMIN Safety and Security Section maintained close coordination with the United Nations Department of Safety and Security during the reporting period.

V. Human rights

36. The frequency of human rights violations committed directly by State actors remained generally unchanged during the reporting period. Following the resignation of Prime Minister Prachanda, there was an increase in reported incidents of violence, threats and intimidation by Maoist cadres against individuals affiliated with other political parties and an increase in inter-party tensions at the local level. This has raised concerns about prospects for progress in the peace process and has had a direct impact on the enjoyment of human rights by the population. Owing to its presence in the regions, OHCHR has been able to monitor closely many of these cases and has intervened in some instances in order to assuage tensions between the political parties.

37. No progress has been made towards fulfilling the commitments made by the previous Government and the leaders of the political parties to end impunity in Nepal and ensure that the perpetrators of human rights violations and abuses, both past and present, are held to account. Similarly, no progress has been observed in the criminal investigations of allegations of human rights abuses by members of the Nepal Army and Maoist army. Despite some progress during the first half of 2009 in the area of transitional justice, the political developments and change of government have resulted in further delays in the establishment of transitional justice institutions. An ordinance criminalizing enforced disappearance and establishing the framework for a commission of inquiry on disappearances was not discussed by the Legislature-Parliament and the deadline for approval elapsed. Meanwhile, the consultations initiated by the Ministry of Peace and Reconstruction of the UCPN-M-led Government on a draft truth and reconciliation commission bill have been suspended.

38. Despite an increased police presence in the Tarai and the initiatives of the Maoist-led Government aimed at establishing dialogue with several armed groups, killings, abductions, intimidation and acts of extortion continued in central and eastern Tarai. The Government has directed Minister for Peace and Reconstruction Chemjong to continue efforts to facilitate talks with armed groups. Police officers who arrest politically connected individuals allegedly involved in serious criminal cases continue to be subjected to intense pressure from political parties to release their cadres without charge. This atmosphere of impunity has been reinforced by reports that the previous Government had taken steps to order a further mass withdrawal of serious criminal cases against political party cadres.

39. The National Human Rights Commission has continued to express frustration at the failure of the Government to implement its recommendations. In June, the Commission announced that less than 5 per cent of the recommendations made since the appointment of the new commissioners in 2007 had been implemented.

Furthermore, the Government had not responded to 38 per cent of its recommendations and most of the remainder were simply forwarded to the relevant authorities. OHCHR in Nepal is providing assistance to the Commission, in particular direct support and guidance for its investigatory and monitoring activities.

40. Human rights defenders in Nepal also continue to face significant challenges in carrying out their activities, particularly in the Tarai districts, where they are sometimes targeted by armed groups. The European Union Working Group on Human Rights Defenders in Nepal, a coordinating mechanism comprising national and international actors, became more active during the reporting period and is developing a comprehensive strategy for the protection of human rights defenders, in line with the global commitments of the European Union.

VI. Mission support

41. The mission support component has continued to support UNMIN activities effectively throughout the Mission area, with priority being given to the seven main Maoist army cantonment sites. The continued presence of arms monitors at the cantonments and their conduct of mobile patrolling require the wide deployment of UNMIN personnel. Consequently, communications and air transport resources continue to be required to provide the necessary logistical support, security and medical linkages between Kathmandu and the remote deployment locations of arms monitors. The Mission's single air asset, an Mi-8 helicopter, facilitates movements between Kathmandu and the cantonment sites and also other field missions.

42. Following the downsizing of the Mission during the first quarter of 2009, the mission support component has continued to reduce the Mission's material resources. The disposal of surplus assets is an ongoing activity; equipment is being sent to other United Nations peace operations or disposed of locally.

VII. United Nations country team coordination

43. Recent political developments, together with the situation in the districts, continue to make the conditions for providing development and humanitarian support challenging. Demonstrations and strikes by ethnic and political groups, increasingly enforced through violence and intimidation, have delayed service delivery. For example, the delivery of food assistance to more than 325,000 highly food insecure people, including flood victims and Bhutanese refugees, was delayed by 10 days in May. While many strike organizers stated that United Nations and other emergency service providers were free to operate during the strikes, United Nations agencies, funds and programmes and partners were often obstructed in carrying out their work. In addition, there have been increased reports of extortion demands and threats against staff of humanitarian agencies and their partners working in the Tarai and eastern region. On 3 June, the United Nations Resident and Humanitarian Coordinator issued a press statement condemning the use of violence and intimidation in protests or strikes, and highlighting the importance of protecting the rights of journalists, human rights defenders and humanitarian workers.

44. The 2008/2009 winter drought in Nepal was the worst on record. According to a recent assessment by the Government, the World Food Programme and the Food

and Agriculture Organization of the United Nations (FAO), the drought resulted in a shortfall in wheat and barley production of 14 and 17 per cent, respectively, which will affect 1.5 million people in the central and far western regions, with 707,000 individuals requiring immediate food assistance. Nearly 70 per cent of households affected by the drought were already experiencing food shortages owing to the 17 per cent increase in food prices over the past year. The United Nations and partners estimate that an additional $30 million is required to provide humanitarian support to the drought-affected populations.

45. Meanwhile, the global financial crisis continues to reduce demand for migrant labour, and the insecurity in Nepal has limited investment, job creation and exports. The meeting of the Nepal Development Forum, scheduled for mid-May, was cancelled owing to the political developments, thereby postponing an important opportunity to discuss these challenges and explore new ways forward. The United Nations country team nonetheless launched new initiatives in support of the peace process, including a paper entitled "Peace and development framework", which was designed to inform the discussion on peace and development at the Nepal Development Forum by analysing the connections between peace and development in Nepal; the paper sets forth recommendations for a joint approach by the Government and donors to advancing sustainable peace.

46. In line with the Government's priority to provide peace dividends in conflict-prone areas, the International Labour Organization (ILO) and FAO in June launched a large "jobs for peace" project, financed by a $2.6 million grant from the United Nations Peacebuilding Fund. Through this project, 12,500 conflict-affected young people in the Parsa and Rautahat districts will be provided with business training and access to microfinance, and assisted in building links with the private sector and markets with a view to obtaining work.

47. As part of its support for an inclusive constitution-building process, UNDP is working with 17 non-governmental organizations representing traditionally marginalized groups, assisting them in providing submissions to the various Constituent Assembly drafting committees. In addition, 1,300 democracy dialogues have been conducted throughout the country, involving 50,000 people from a range of communities.

48. In response to the increase in gender-based violence during and since the conflict, two joint programmes involving UNICEF, the United Nations Development Fund for Women and the United Nations Population Fund were begun during the reporting period. The first programme addresses gender-based violence at the district level by providing new services for women, men and children in four districts over the forthcoming three years using a $1.3 million grant provided by the United Nations Trust Fund in Support of Actions to Eliminate Violence against Women. The second programme, in which the World Health Organization is also involved, delivers essential reproductive health care, education and psychosocial counselling to women and girls affected by conflict. This is funded by a $1.1 million grant from the United Nations Trust Fund for Human Security.

49. The United Nations Mine Action Team in Nepal, comprised of the United Nations Mine Action Service and UNICEF, continues efforts to mitigate the threat of mines, improvised explosive devices and other explosive remnants of war. So far, 17 of 53 minefields have been cleared. The team is also negotiating the conduct of a quality control check on the claim by the Armed Police Force that it had destroyed

all of the 3,041 improvised explosive devices laid by it during the conflict. By 1 July, there had been 32 casualties (8 killed and 24 severely injured) from victim-activated explosions.

50. The demolition of 5,529 explosive items was successfully carried out at the Maoist cantonment site in Chitwan on 25 June, as was the demolition of 1,552 items in Ilam on 30 June. The clearance of the remaining explosive items in the other five Maoist cantonment sites is pending the provision by the United Nations Mine Action Team in Nepal of a list of items deemed unsafe.

VIII. Observations

51. In its resolution 1864 (2009), the Security Council called upon the Government to establish conditions conducive to the completion of UNMIN activities by the end of the current mandate, including through implementation of the 25 June Agreement, in order to facilitate the Mission's withdrawal from Nepal. Regrettably, the political crisis discussed at length in the present report has significantly slowed down the peace process, and the conditions for the completion of the Mission's work have not been achieved.

52. The two major tasks at the current stage of the peace process are the integration and rehabilitation of the Maoist army personnel and the drafting of the new constitution. Promising signs of progress were seen in the first quarter of 2009, suggesting that the parties had begun to move towards resolving the future of the Maoist army personnel. Progress on this front has, however, remained at a standstill since late April, illustrating the close link between this critical issue and the broader political dynamics. A planning process should be initiated to address in parallel the commitment contained in the Comprehensive Peace Agreement and the Interim Constitution to democratize and determine the appropriate size of the Nepal Army, while ensuring that the institution reflects the diversity of Nepal and is imbued with the values of democracy and human rights. All parties have emphasized the importance of a strictly professional and non-political profile for the Army.

53. The task of drafting the constitution has continued to move forward, albeit with numerous hurdles. There is near unanimity that it will be very difficult, if not impossible, to meet the prescribed time frame of May 2010 for the promulgation of a new constitution. Arriving at a consensus on the form of federalism to be adopted, which will both address the aspirations of traditionally marginalized groups and ensure the unity of the country, will no doubt be a major challenge. I strongly encourage steady progress in this area, based on consensus among the main political forces and the wider public.

54. The tensions and the sense of crisis that have dominated the political scene since early May are of a grave nature. They stem from a variety of factors: genuine differences in outlook; lack of confidence about each other's intent; failure to implement past agreements and commitments; and a decline in consensual politics and the rise in competition and rivalry among the parties. No peace process proceeds along a straight linear path, and the process in Nepal has its share of complexities and peculiarities; however, this should not be a cause for complacency. Frequent crises and tensions can have a long-term debilitating effect on the peace process. These impasses cannot be allowed to threaten to derail the process as a whole, lest Nepal forfeit the achievements of recent years. Without unity and

continuous consensus-building, the political parties will continue to face grave difficulties in moving the peace process forward. It is therefore imperative for the parties to agree on a common vision and road map, at least until the completion of the constitution-making process and the firm establishment of the country's core institutions. They should also take urgent steps to re-establish the unity and consensual tradition that characterized their successes at earlier stages of the peace process. The proposed establishment of a high-level political consultative mechanism is a timely idea, providing for a forum for the discussion of critical peace process issues, monitoring of progress and addressing of political differences and crises.

55. A challenge to agreements reached within any high-level mechanism will be their effective implementation and monitoring. In this regard, the Government and parties should be encouraged to set benchmarks for their own use. Such action could be bolstered by independent monitoring, periodic review and attention to deadlines. The United Nations stands ready to support such efforts, if requested.

56. The principal political leaders have stated that a government of national unity is now needed. This reflects a recognition, in the light of the current crisis, that only unity among the parties can guarantee the success of the peace process. I strongly encourage political leaders to take every step to achieve greater unity and closer cooperation. The issues that precipitated the political crisis and resignation of former Prime Minister Prachanda, such as the powers of the President under the Interim Constitution, the governance and civil oversight arrangements of the Army, as well as issues such as the return of property seized during the conflict and the use of violence and intimidation by political party youth groups, remain unresolved and may indeed risk generating fresh disputes. The political (as opposed to criminal) motives behind the continuing violence in the Tarai also require political solutions. These issues need to be addressed urgently so that the protests can end, the peace process can maintain steady progress and the Government can go about the business of governing.

57. It is vital and urgent that all actors exercise restraint, publicly renounce provocation and threats, and acknowledge that the only way forward lies through consensus and adherence to the peace agreements. Furthermore, the Government needs to address urgently the prevailing climate of impunity. In this context, I remain convinced that OHCHR in Nepal can continue to play an essential and helpful role, not only in promoting and protecting human rights but by building the capacity of independent national institutions, as well as reinforcing the confidence of all stakeholders in the peace process.

58. It should be recalled that the arrangements for the cantonment of Maoist army personnel, the confinement to barracks of the Nepal Army, and the monitoring of arms and armies were conceived as temporary measures intended to create appropriate conditions for the Constituent Assembly election and not as long-term solutions. The basis for the light United Nations arms monitoring presence requested by the parties is a high degree of mutual confidence, which has repeatedly come under strain. Under the peace agreements, those disqualified (most of whom are those under 18 years of age in May 2006) through the verification of the Maoist army were to be discharged without delay, and those qualified were to be integrated or rehabilitated. The United Nations has consistently urged a rapid resolution of the

future of the Maoist army personnel and an end to the prolonged maintenance of the cantonments and the present monitoring arrangement by UNMIN.

59. The United Nations stands ready to continue to facilitate and assist in the important work of the Special Committee and its supporting Technical Committee, on request, as integration and rehabilitation plans are developed. The United Nations will also remain closely engaged with the Ministry of Peace and Reconstruction in this regard. An organized, dignified and effective process of discharge and rehabilitation of Maoist army personnel disqualified by the verification process is long overdue and should also move forward.

60. Political leaders in Nepal have expressed the view that the presence of UNMIN is needed until the integration and rehabilitation of the Maoist army personnel is resolved. On 7 July, the Permanent Representative of Nepal to the United Nations wrote to me expressing appreciation for the work of UNMIN and requesting, on behalf of his Government, an extension of the current mandate and the related work of UNMIN by a further six months, from 23 July 2009. UNMIN has an important role to play while some key commitments of the Comprehensive Peace Agreement remain unfulfilled. I therefore recommend that the Security Council extend the mandate for a further six months until 23 January 2010. However, the growing complexity of the political situation reveals a discrepancy between the needs of the peace process, the limited mandate of UNMIN and the support that can be sought to reinforce the implementation of peace process commitments. I encourage the Government to take full advantage of the UNMIN presence, and the Security Council to support this, in order to help ensure the timely completion of the peace process and the mandate of UNMIN.

61. I would like to convey my appreciation to the members of the Security Council and other Member States for their continued support to Nepal. I would also like to thank my Representative and her staff, as well as partner organizations in Nepal, for their dedicated efforts.